

Andrew G. Deiss (Utah Bar # 7184)

Corey D. Riley (Utah Bar # 16935)

Andrew D. Miller (Utah Bar # 19625)

DEISS LAW PC

10 West 100 South, Suite 700

Salt Lake City, UT 84101

Telephone: (801) 433-0226

[deiss@deisslaw.com](mailto:deiss@deisslaw.com)

[criley@deisslaw.com](mailto:criley@deisslaw.com)

[amiller@deisslaw.com](mailto:amiller@deisslaw.com)

*Attorneys for Plaintiffs*

---

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

---

JOHN WEBER; GAYLE WEBER; CLUB  
FITNESS, INC.; PETER ROSS WEBER;  
YOLANDA ALTAGRACIA COSME DE  
WEBER; COMPOSTELA LIMITED, LLC;  
DAVID ELTON; ALYCE WEBER; JAMES  
BLAISDELL; BRYSON OCKEY; KRISTINE  
OCKEY; CLAUDIA GRIFFIN; ERIC  
STAMM; THE BETTY L. GRIFFIN 1999  
REVOCABLE TRUST;

*Plaintiffs,*

v.

COLLIERS INTERNATIONAL GROUP,  
INC.; COLLIERS INTERNATIONAL  
HOLDINGS (USA), INC.; COLLIERS  
INTERNATIONAL INTERMOUNTAIN,  
LLC; KEVIN LONG; MILLCREEK  
COMMERCIAL PROPERTIES, LLC;  
MILLROCK INVESTMENT FUND 1, LLC;  
MILLROCK INVESTMENT FUND 1  
MANAGEMENT, LLC; BLAKE  
MCDUGAL; SPENCER TAYLOR;

**MOTION FOR ALTERNATE SERVICE  
TO DEFENDANT LEW CRAMER**

Case No. 2:25-cv-00162-DB-DBP

Judge David Barlow

Chief Magistrate Judge Dustin B. Pead

---

---

SPENCER STRONG; BRENT SMITH;  
MARK MACHLIS; GREEN IVY REALTY,  
INC.; 13 INVESTMENTS, LLC; LADY  
MIRA BLUE MACHLIS; THOMAS SMITH;  
LEW CRAMER; MATTHEW HAWKINS;  
GIL BOROK; DAVID JOSKER; JERALD  
ADAM LONG; KGL REAL ESTATE  
DEVELOPMENT, PLLC; SMART COVE,  
LLC; GTR HOLDINGS, LLC; LONG  
HOLDINGS, LLC; KGL ADVISORS, LLC;  
MARY STREET; CAMS REALTY, LLC;  
MOUNTAIN WEST COMMERCIAL, LLC;  
STEVE CATON; SARC DRAPER, LLC;  
ROBERT M. LEVENSON BLACKACRE  
1031 EXCHANGE SERVICES LLC; ADP-  
MILLCREEK 2, LLC; ADP-MILLCREEK 3,  
LLC;

*Defendants.*

---

Plaintiffs John Weber, Gayle Weber, Club Fitness Inc., Peter Ross Weber, Yolanda Altagracia Cosme de Weber, Compostela Limited LLC, David Elton, Alyce Weber, James Blaisdell, Bryson Ockey, Kristine Ockey, Claudia Griffin, Eric Stamm, and The Betty L. Griffin 1999 Revocable Trust (“Plaintiffs”) file this Motion for Alternate Service to Defendant Lew Cramer (“Unserved Defendant”) pursuant to Fed. R. Civ. P. 4(e)(1) and Utah R. Civ. P. 4(d)(5).

### **Introduction**

Plaintiffs have demonstrated reasonable diligence in attempting to serve all Unserved Defendant in this matter via traditional means. Given the demonstrated impracticability of service upon the Unserved Defendant, Plaintiffs argue that it is

appropriate for the court to order alternate service per URCP 4(d)(5) in such manner as requested below. See *In re Qiwi PLC Sec. Litig.*, No. 20CV6054RPKCLP, 2022 WL 20527316, at \*2 (E.D.N.Y. Sept. 30, 2022).

### **ARGUMENT**

Plaintiffs have attempted to serve Defendant Lew Cramer personally, but the attempt was not successful. Plaintiffs have since become aware that Cramer is currently serving a mission for the Church of Jesus Christ of Latter-Day Saints in London, England. Given the uncertainty surrounding Cramer's physical location, Plaintiffs propose that Cramer could be successfully served via email. Plaintiffs have good reason to believe that the email address [lew.cramer@missionary.org](mailto:lew.cramer@missionary.org) is currently in use by Cramer.

Should the Court grant this request to serve via email, Plaintiffs would further engage an email service such as RPost, which provides 'read receipts' allowing senders to verify that an email has been received and opened by its recipient. See *In re Qiwi PLC Sec. Litig.*, No. 20CV6054RPKCLP, 2022 WL 20527316, at \*2 (E.D.N.Y. Sept, 30, 2022). Such efforts would provide further confirmation that Cramer had received the Amended Complaint and summonses for himself and his Associated Entities.

### **CONCLUSION**

Plaintiffs have sought to demonstrate the reasonable efforts they have made and continue to make to effect service of the Unserved Defendant via traditional means, as well as lay out a feasible and appropriate method of alternate service to these parties. Having done so, the Plaintiffs respectfully request the Court now grant this Motion for Alternate Service.

DATED this 22<sup>nd</sup> Day of July, 2025.

DEISS LAW, PC

/s/ Andrew D. Miller

Andrew G. Deiss

Corey D. Riley

Andrew D. Miller

*Counsel for Plaintiffs*